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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,599	02/15/2002	Hirokazu Hisano	GK/48	1547

7590 09/15/2005

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/077,599	Applicant(s) HISANO ET AL.	
	Examiner Nasser Ahmad	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejections Withdrawn

1. Claims 1-2, 8-13 and 21 rejected under 35 USC 102(b) as being anticipated by Mills in the last Office Action of December 29, 2004 has been withdrawn in view of applicant's amendment filed on June 27, 2005.
2. Claims 1-4, 8-14 and 21 rejected under 35 USC 103(a) as being unpatentable over Mills in view of The English Translation of the EP Application has been withdrawn in view of the amendment.
3. Claims 5-7 rejected under 35 USC 103(a) as being unpatentable over mills in view of The English translation of EP application and Hamilton has been withdrawn in view of the amendment.

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 8-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Hernandez (5418023).

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Mills relates to a sealing material comprising a tape (24) comprising a plurality of expanded porous polytetrafluoroethylene (PTFE) films (figure-4) and comprising a height and a width. The laminate has end faces (26 and 34) along said height. The laminate includes at least one layer of polymeric film interposed in the laminate (col. 5, lines 59-64) which would exhibit fluid penetration prevention. The phrase "layer ...may comprise other than PTFE material" infers to the presence of material such as PTFE film. Since the film is formed by extrusion, it would be stretched and hence, in compacted form. The laminate layers are self-adhered to each other. Figures-8A and 8B shows that the laminate is joined at the longitudinal beginning and end to form a closed ring. Col. 5, lines 48-50 teaches that the laminate includes material to render it elastomeric. However, mills fail to teach that the height of the laminate is greater than its width. Hernandez discloses that PTFE seals and gaskets are known in the art and that West German 3,339,018 describes a seal made from extruded and oriented microporous PTFE which has a height greater than the width to compensate for the unevenness of the flange surfaces to be sealed (col. 2, lines 46-51). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Hernandez's teaching to provide a seal having a height greater than its width in the invention of Mills with the motivation to provide for compensation for the unevenness of the flange surfaces to be sealed and using a plurality of the seal layers into laminate would have a height greater than its width.

The phrase "adapted to" has not been given patentable weight because said phrase is not found to be of positive limitation but only requires the ability to so perform.

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The phrase "through sintering" has not been given patentable weight because it is directed to a process of making the laminate and a process of making the product is not germane to the issue of patentability of the product itself.

7. Claims 1-4, 8-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Hernandez and the English Translation of EP Application: 84112904.2.

Mills and Hernandez, as discussed above, fails to teach that the laminate has an adhesive component on one end face. The English Translation relates to a sealing material of expanded PTFE having an adhesive component on one end face thereof and covered with a release liner (page-3, last paragraph) to provide for adhesive attachment of the end faces to form a gasket. Therefore, it would have been obvious to one having ordinary skill in the art to utilize the English Translation's teaching of using adhesive at the end faces in the invention of Mills with the motivation to provide for adhesive attachment capability to form a gasket.

Further, when the adhesive is exposed to join the ends, it would exhibit a double-sided adhesive tape element.

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Hernandez, the English Translation and Hamilton (5486010).

Mills, Hernandez and the English Translation, as discussed above, fails to teach that the PTFE can be PTFE-HEP copolymer. Hamilton relates to a seal comprising a core of

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expanded porous PTFE and wrapped in a film of PTFE to prevent creeping and maintain the desired height to weight ratio (col. 7, lines 10-22). The PTFE can be PTFE-HEP copolymer, etc. (col. 10, lines 8-13). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Hamilton's teaching of using PTFE-HEP copolymer material as the laminate layer in the invention of Mills with the motivation to provide for self-adhereability.

Further, with regard to claim 5, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mills by providing a plurality of laminates to form a seal article having a greater height for improved sealing ability, since it has been held that mere duplication of the essential working parts of a device involves routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

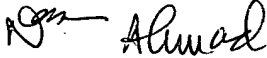
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 9/13/05
Primary Examiner
Art Unit 1772

N. Ahmad.
September 13, 2005.